

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

NEVIN GRIGGS,)
)
Plaintiff,)
)
v.) Case No. 1:16-cv-00814-VEH-JEO
)
CORIZON HEALTH INC., et al.,)
)
Defendants.)

MEMORANDUM OPINION

The Plaintiff filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 alleging violations of his rights under the Constitution or laws of the United States. (Doc. 4). In accordance with the usual practices of this court and 28 U.S.C. § 636(b)(1), the complaint was referred to a magistrate judge for a preliminary report and recommendation. *See McCarthy v. Bronson*, 500 U.S. 136 (1991). The magistrate judge filed a report and recommendation on September 20, 2016, stating, in pertinent part:

the undersigned **RECOMMENDS** this action be **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. The undersigned **FURTHER RECOMMENDS** that the plaintiff's state law claims for be **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c).

(Doc. 9 at 9-10) (bold and capitalization in original). No objections have been filed

by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that this action should be **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. The Court also **EXPRESSLY FINDS** that the Plaintiff's state law claims should be **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c).

A final order will be entered separately.

DONE and **ORDERED** this 12th day of October, 2016.



VIRGINIA EMERSON HOPKINS
United States District Judge